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Attorneys for Defendant
ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SMITHKLINE BEECHEM CORPORATION,
d/b/a GLAXOSMITHKLINE,

Plaintiff,

vs.

ABBOTT LABORATORIES,

Defendant.

Case No. C-07-5702 CW

Related to:

Case No. C-04-1511

**DECLARATION OF JOHN POULOS
IN SUPPORT OF ABBOTT
LABORATORIES' MOTION TO
TRANSFER PURSUANT TO 28 U.S.C. §
1404(a)**

**Date: February 21, 2008
Time: 2:00 p.m.
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken**

I, John Poulos, declare as follows:

1. I am over 18 years of age and state that, if called upon, I could testify to the truth of the following facts based on my personal knowledge.

1 2. I am an employee of Abbott Laboratories and currently hold the position
2 of Group Vice President of Licensing and New Business Development. I have worked for
3 Abbott for approximately thirty years.

4 3. Abbott is one of the largest companies in Illinois and employs thousands
5 of Illinois residents in its Abbott Park, Illinois facilities. Abbott conducts all of its domestic
6 human immunodeficiency virus (or HIV) pharmaceutical operations out of its Illinois facility.
7 Abbott invented and developed ritonavir (marketed under the trade name Norvir®) and lopinavir
8 (marketed in combination with ritonavir under the trade name Kaletra®) in Illinois, as confirmed
9 by the cover of Abbott's patents for these drug compounds listing Illinois inventors.

10 4. On behalf of Abbott, I negotiated the Non-Exclusive License Agreement
11 by and between Abbott and SmithKline Beecham Corporation, d/b/a GlaxoSmithKline ("GSK")
12 dated December 13, 2002.

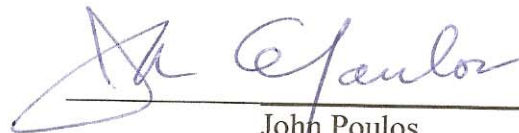
13 5. Other Abbott employees and I negotiated this license agreement out of
14 Abbott's headquarters in Illinois with GSK employees Beth French and John Keller out of
15 Philadelphia, and Karen Key out of North Carolina. All meetings between Abbott and GSK to
16 negotiate the license agreement occurred in Durham, North Carolina. None of the negotiations
17 took place in California, and no California residents were involved in the negotiations.

18 6. The agreement was signed on behalf of Abbott in Illinois. It was signed
19 on behalf of GSK in Philadelphia, Pennsylvania.

20 7. I understand that this lawsuit concerns the December 2003 price increase
21 Abbott implemented on Norvir and whether the price increase impacted sales of GSK's drug,
22 Lexiva. I note that GSK has raised the price of Lexiva five times since the Norvir price increase.
23 At its daily recommended dosage of four tablets for a stand-alone drug, Lexiva cost \$32 per day
24 back in December 2003. Now, it costs \$40.80, an increase of nearly \$9 per day. This exceeds
25 the dollar amount of Norvir's increase – \$6.86 at the drug's most common daily dose.

26 I declare under penalty of perjury under the laws of the United States of America
27 that the foregoing is true and correct.
28

Executed in Abbott Park, Illinois, this 11th day of December, 2007.



John Poulos

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